

REMARKS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of this Amendment, 1-3, 6-17, and 20-36 will be pending in this application. Claims 4, 5, 18 and 19 have been cancelled without prejudice or disclaimer, and claims 1, 15, 29 and 30 have been amended. New claims 32-36 have been added.

Drawings

The drawings are objected to under 37 CFR 1.83 (a). Figure 11 has been added to show an illustration of a snowmobile equipped with a windshield according to an embodiment of the present invention.

The drawings are objected to because reference character “70” in Figure 7B points to two different parts. The Applicant has amended Figure 7B. One of the reference characters “70” has been deleted.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). The specification has been amended to add the reference signs 78 and 82 used in Figures 6 and 7B and amended Figure 8B to delete the reference numeral 58. Applicant submit, however, that the reference numeral 80 was mentioned in paragraph 39 of the specification as originally filed.

Please see the attached Drawing Change Authorization Request to effect the changes to Figures 7B and 8B and please add new Figure 11. Figure 11 is fully supported by the specification. The Applicant submits that no new matter has been added. Therefore, the Applicant respectfully requests that the objection to the drawings be withdrawn.

Claim Rejection – 35 USC § 102

Claims 1-4, 6-18 and 20-31 are rejected under 35 U.S.C. 102 (b) as being anticipated by French reference 2612867 (F ‘867). The Applicant respectfully traverses this rejection for at least the following reasons.

Claim 1 has been amended to recite, *inter-alia*, “wherein said inoperative position includes a forward position toward a front side of said windshield panel and a rearward position toward a rear side of said windshield panel.”

Similarly, claim 15 has been amended to recite, *inter-alia*, “wherein said inoperative position includes a forward position toward a front side of said windshield panel and a rearward position toward a rear side of said windshield panel.”

The Office Action contends that French reference F '867 discloses a windshield assembly comprising a windshield panel movable between an operative position and an inoperative position; and a coupling assembly coupled to said windshield panel, said coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position.

F '867 simply discloses a pivotable windshield system for a two wheel vehicle (motorcycle) intended, in particular, to protect the conductor, i.e., the rider, and possibly a passenger from the wind and rain or the like during riding of the motorcycle and to provide protection against theft of the motorcycle when the motorcycle is parked. The windshield of F '867 may also protect the seat of the motorcycle against dust, rain or the like.¹

The windshield (1) of F '867 is only pivotable to the rearward direction, as indicated by arrow (4) in Figure 1 of F '867 reference. When the motorcycle is in a parked position the motorcycle is protected against theft by windshield (1) (when in a rearward position) in conjunction with anti-theft device (5) attached either to pivot axis (2) or to point (6) such that one cannot turn up the windshield panel (1) (see, page 3, lines 19-24 in F' 867 reference).

Consequently, French reference F '867 does not disclose or suggest a windshield that can be pivoted to the forward direction. Moreover, the French reference does not disclose or suggest a movable windshield for an All Terrain Vehicle or for a Snowmobile. In this context, new claims 35 and 36 added to provide more specifics of the ATV that are not obvious to add to F' 867.

Therefore, the Applicant respectfully submits that claims 1 and 15 are patentable and respectfully requests that the § 102(b) rejection of claims 1 and 15 be withdrawn.

Claims 4 and 18 have been cancelled. Therefore, the rejection of claims 4 and 18 is rendered moot.

Claims 2-3, 6-14, 16-17 and 20-31 are dependent directly or indirectly from either patentable claim 1 or claim 15. Therefore, claims 2-3, 6-14, 16-17 and 20-31 are also patentable for at least the reason that they contain all the limitation of either claims 1 or claim 15.

With regard to claims 29 and 30, the Office Action contends that the vehicle of F '867 is an All Terrain Vehicle (ATV) and that it would be inherent that the vehicle be a snowmobile. The Applicant respectfully disagrees. The vehicle described in F '867 is merely a 2 wheeled vehicle, i.e. a motorcycle, such as a scooter, not an ATV as claimed with

¹ First paragraph, page 1 of French reference translated into English.

front and rear pairs of wheels, as recited in claim 29. F '867 does not disclose or suggest an ATV, which is a distinct type of vehicle, much less a windshield that can be used on an ATV, as recited in claim 29. Similarly, F '867 does not disclose or suggest using a windshield in a snowmobile that has a pair of skis and a belt drive, as recited in claim 30.

Therefore, the Applicant respectfully submits that claims 2-3, 6-14, 16-17 and 20-31 are patentable and respectfully requests withdrawal of the § 102(b) rejection of these claims.

Claims 1, 5, 15 and 19 are rejected under 35 U.S.C. 102 (b) as being anticipated by Japanese reference 61-12422 (J '422). The Applicant respectfully traverses this rejection for at least the following reasons.

With regard to claim 1, the Office Action contends that J '422 discloses a windshield assembly comprising a windshield panel (1) movable between an operative position and an inoperative position; and a coupling assembly (4) coupled to said windshield panel, the coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position.

Claim 1 and 15 have been amended to recite, *inter-alia*, “wherein said inoperative position includes a forward position toward a front side of said windshield panel and a rearward position toward a rear side of said windshield panel.”

J '422 merely shows a vehicle having a windshield that is tiltable only toward a front side of the windshield whereas each of claim 1 and claim 15 provides a windshield that is movable into a forward position toward a front side of the windshield and also movable into a rearward position toward a rear side of the windshield. Moreover, with regard to claim 15, J '422 does not disclose or suggest a handlebar operatively connected to the wheels to steer the vehicle. Consequently, J '422 does not disclose, teach or suggest the subject matter recited in claims 1 and 15. Therefore, the Applicant respectfully submits that claims 1 and 15 are patentable and respectfully request that § 102(b) rejection of claims 1 and 15 be withdrawn.

Claims 5 and 19 have been cancelled. Therefore, the rejection of claims 5 and 19 is rendered moot.

New claims 32-34 have been added. Support for the claim language may be found throughout the specification and in particular in the detailed description. Claim 32 recites “A method for transporting a vehicle, the vehicle comprising a windshield assembly mounted on a frame of said vehicle and including a windshield panel, the method comprising: loading the vehicle on a trailer; pivoting the windshield panel from an operative position into an

inoperative position toward a rear side of said windshield panel; and transporting said vehicle such that wind pressure on said windshield panel is substantially reduced.”

None of the relied upon references disclose, teach or suggest the subject matter recited in claim 32 and claims 33 and 34 dependent therefrom. Therefore, the Applicant respectfully submits that claims 32-34 are patentable.

CONCLUSION

In view of the foregoing, the claims are now in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Attached is a marked-up version of the changes made to the specification and claims by the current amendment. The attached Appendix is captioned **“Version with markings to show changes made”**.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By 

Paul T. Bowen
Reg. No.: 38,009
Tel. No.: (703) 905-2020
Fax No.: (703) 905-2500

PTB/KG

Pillsbury Winthrop LLP
1600 Tysons Boulevard
McLean, VA 22102
Telephone: (703) 905-2000

Attachments: Appendix

APPENDIX: VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE SPECIFICATION

Please delete paragraph 25 on page 4 of the specification and add the following new paragraph:

-- Fig. 9B is a plan view of a ratchet washer for a coupling assembly of a windshield assembly according to an embodiment of the present invention; [and] --

Please delete paragraph 26 on page 4 of the specification and add the following new paragraph:

-- Fig. 10 is a side view of the ratchet washer pair shown in Figs. 9A and 9B [.; and --

Please add the following new paragraph in page 4 after paragraph 26:

-- Fig. 11 is a lateral view of a snowmobile equipped with a windshield assembly according to an embodiment of the present invention.--

Please delete paragraph 31 on page 6 of the specification and replace with the following new paragraph:

-- It should be appreciated that the foregoing features of the vehicle 10, such as the positioning and type of body cover, the use of storage rack, etc., could be readily varied. This description of the vehicle is merely given to provide an environment in which the windshield assembly can be used and is not intended to limit the instant invention. Moreover, it should be recognized that the instant invention can be applied not only in ATVs, but also in other vehicles, such as motorcycles, snowmobiles, three-wheeled vehicles, etc. For example, see the windshield 50' illustrated on the snowmobile 10' in Fig. 11. --

Please delete paragraph 39 on page 8 of the specification and add the following new paragraph:

-- Coupling assembly 70 may include fastening holes configured for passing fasteners 76, 80 (such as bolts terminated with nuts 78, 82 or the like) therethrough so as to securely fasten the first end 72 to handlebar 18 and the second end 74 to extension 66.--

IN THE CLAIMS

Cancel claims 4, 5, 18 and 19 have been cancelled without prejudice or disclaimer.

Claims 1, 15, 29 and 30 have been amended as follows:

1. (Amended) A windshield assembly comprising:
a windshield panel movable between an operative position and an inoperative position; and
a coupling assembly coupled to said windshield panel, said coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position,
wherein said inoperative position includes a forward position toward a front side of said windshield panel and a rearward position toward a rear side of said windshield panel.

15. (Amended) A vehicle comprising:
a frame;
[a plurality of wheels] at least one ground contacting element suspended from the frame to provide an interface between the frame and ground;
a handlebar operatively connected to the [wheels] ground contacting element to steer the vehicle;
a seat positioned on the frame; and
a windshield assembly mounted on the frame and including a windshield panel movable between an operative position and an inoperative position, and a coupling assembly between the handlebar and the windshield panel, said coupling assembly including at least one coupling member that enables said windshield panel to move between the operative position and the inoperative position, wherein said inoperative position includes a forward position toward a front side of said windshield panel and a rearward position toward a rear side of said windshield panel.

29. (Amended) The vehicle according to claim 15, wherein said ground contacting element includes a pair of front wheels and a pair of rear wheels suspended from the frame and the vehicle is an all terrain vehicle.

30. (Amended) The vehicle according to claim 15, wherein the ground contacting element includes a pair of front skis and a drive belt and said vehicle is a snowmobile.

New claims 32-36 have been added.

End of Appendix